

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DORA M. TIPPING,	)	
Plaintiff,	)	
vs.	)	No. 3:21-CV-1403-G-BH
	)	
GARLAND CADILLAC,	)	
Defendant.	)	Referred to U.S. Magistrate Judge <sup>1</sup>

ORDER

Before the Court is the plaintiff's *Application to Proceed In District Court Without Prepaying Fees or Costs (Long Form)*, filed on July 1, 2021 (doc. 8). As provided by 28 U.S.C. § 1915, the application is hereby **GRANTED**, and the plaintiff may proceed *in forma pauperis* in this case. Based on the filing of a completed application, the plaintiff's original *Application to Proceed In District Court Without Prepaying Fees or Costs (Long Form)*, filed on June 16, 2021 (doc. 4), is **DEEMED MOOT**. It is further **ORDERED** that:

The **Clerk of the Court** shall issue summons for each named defendant and deliver the summons, a copy of the complaint and the plaintiff's answers to the magistrate judge's questionnaire to the **United States Marshal's Service (USM)**.

Within thirty days of the date of this order, the USM shall serve each defendant in accordance with Fed. R. Civ. P. 4 and file proof of service as provided by Fed. R. Civ. P. 4(l). The USM must use **due diligence** in serving defendants on behalf of an *in forma pauperis* plaintiff. If the USM is unable to serve a particular defendant, the return of service for that defendant shall set forth the specific efforts taken to serve the defendant, including any searches for a different address for that defendant.

Although the Court has directed the USM to serve the defendants, it is ultimately the plaintiff's responsibility to see that each defendant is timely served in accordance with Fed. R. Civ. P. 4(m). **Rule 4(m) provides that a failure to timely serve a defendant may result in the dismissal of the action without prejudice against that defendant.** A return of service which indicates that a defendant was not served is notice of a defect in service. Once the plaintiff receives notice of a service defect, the plaintiff must try to remedy the defect.

At all times during this action, the plaintiff shall immediately notify the Court of any change of address and its effective date. Any notice should be entitled "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and should contain **only** information about the change of address and effective date. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of the complaint for failure to prosecute under Rule 41(b) of the Federal Rules of

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<sup>1</sup> By *Special Order No. 3-251*, this *pro se* case has been automatically referred for full case management.

Civil Procedure.

The **Clerk of the Court** shall mail a copy of this order to the plaintiff.

**No further process shall issue except upon further order of the Court.**

**SO ORDERED** this 6th day of July, 2021.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE